

CONGRESSIONAL RECORD SUMMARY

Wednesday, October 2, 2002

SENATE

Measures Introduced:

S. 3027. *A bill to require that certain procedures are followed in Federal buildings when a child is reported missing; to the Committee on the Judiciary.*

Clinton

Page S 9845

S. 3028. *A bill to provide for a creditors' committee of employee and retiree representatives of a debtor in order to protect pensions of those employees and retirees; to the Committee on the Judiciary.*

"...The bill I introduce today does one very simple thing, it gives employees and retirees the right to be heard before the bankruptcy court with respect to their pensions. Under this bill, a representative of the employee and retirees can appear and be heard if it is likely that the employee benefit pension plan of the bankrupt corporation will be terminated or substantially underfunded and if it is possible that the beneficiaries of the plan will be adversely affected..."

Sessions

Pages S 9845, S 9847-48

S. 3030. *A bill to designate the Federal building and United States courthouse located at 200 West 2d Street in Dayton, Ohio, as the "Tony Hall Federal Building and United States Courthouse;" to the Committee on Environment and Public Works.*

DeWine

Pages S 9846, S 9849

S. 3035. *A bill to prohibit the sale of tobacco products through the Internet or other indirect means to underage individuals, to ensure the collection of all cigarette taxes, and for other purposes; to the Committee on the Judiciary.*

Hutchinson

Pages S 9846, S 9852-54

Executive Communications:

EC-9219. *A communication from the Deputy Director of the Congressional Budget Office, transmitting, pursuant to law, the Sequestration Update Report for Fiscal Year 2003, referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986, to the Committees on Appropriations; the Budget; Armed Services; Banking, Housing, and Urban Affairs; Commerce, Science, and Transportation; Energy and Natural Resources; Environment and Public Works; Finance; Foreign Relations; Governmental Affairs; the Judiciary; Health, Education, Labor, and Pensions; Small Business and Entrepreneurship; Veterans' Affairs; Select Committee on Intelligence; Indian Affairs; and Rules and Administration.*

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EC-9220. *A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the OMB Sequestration Update Report for Fiscal Year 2003, referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986, to the Committees on Appropriations; the Budget; Agriculture, Nutrition, and Forestry; Armed Services; Banking, Housing, and Urban Affairs; Commerce, Science, and Transportation; Energy and Natural Resources; Environment and Public Works; Finance; Foreign Relations; Governmental Affairs; Health, Education, Labor, and Pensions; the Judiciary; Rules and Administration; Small Business and Entrepreneurship; Veterans' Affairs; Indian Affairs; and Select Committee on Intelligence.*

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Petitions and Memorials:

POM-345. A resolution adopted by the Council of the Borough of Fairview of the State of New Jersey *relative to the Pledge of Allegiance*; to the Committee on the Judiciary.

POM-346. A resolution adopted by the Board of Aldermen of Boonton, New Jersey *relative to the Pledge of Allegiance*; to the Committee on the Judiciary.

POM-347. A resolution adopted by the City Commission of Miami, Florida *relative to the Pledge of Allegiance*; to the Committee on the Judiciary.

POM-348. A resolution adopted by the Board of Chosen Freeholders of the County of Atlantic, Northfield, New Jersey, *relative to the Pledge of Allegiance*; to the Committee on the Judiciary.

POM-349. A resolution adopted by the Council of the Borough of Hasbrouck Heights, New Jersey *relative to the Pledge of Allegiance*; to the Committee on the Judiciary.

POM-350. A resolution adopted by the Board of Chosen Freeholders of the County of Warren, Belvidere, New Jersey *relative to the Pledge of Allegiance*; to the Committee on the Judiciary.

POM-351. A resolution adopted by the Council of the City of Douglasville, Georgia *relative to the Pledge of Allegiance*; to the Committee on the Judiciary.

POM-352. A resolution adopted by the Board of Supervisors of the County of Los Angeles, California *relative to the Pledge of Allegiance*; to the Committee on the Judiciary.

POM-353. A resolution adopted by the Board of Chosen Freeholders of Ocean City, New Jersey *relative to the Pledge of Allegiance*; to the Committee on the Judiciary.

Page S 9845

H.R. 2215 - 21st Century Department of Justice Appropriations Authorization Act Conference Report--Agreement:

A unanimous-consent agreement was reached providing for further consideration of the conference report on H.R. 2215, to authorize appropriations for the Department of Justice for fiscal year 2002, and then began consideration of the conference report, at 11:30 a.m., on Thursday, October 3, 2002, with a vote to occur on the motion to close further debate on the conference report.

Pages S 9811-12, S 9830-34, S 9860, D 1021

"...I thank Senator Kay Bailey Hutchison for coming to the floor yesterday to support this conference report. She has spoken to me many times about the need for more judgeships along the Texas border with Mexico to handle immigration and criminal cases. Certainly, from what Senator Hutchison has said about that need, she has made a compelling request, and I have included in this conference report three new judges for that part of Texas. Actually, the conference report has one more judge than we passed out of the Senate. We added another one in conference. I suspect technically one could say that was not a matter in conference, but the Senator from Texas made, I thought, a compelling reason for it. I mention that because one of our Federal district judges from Vermont has actually gone down to Texas a couple times to help out, and every time he has gone down, he has called me up and said: They need more judges here because of the load..." (Leahy, page S 9830)

Nominations Confirmed:

Senate confirmed the following nominations:

Ronald H. Clark, of Texas, to be United States District Judge for the Eastern District of Texas.

James Knoll Gardner, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Lawrence J. Block, of Virginia, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

Pages S 9860, D 1021

Charles E. Erdmann, of Colorado, to be a Judge of the United States Court of Appeals for the Armed Forces for the term of fifteen years to expire on the date prescribed by law.

Pages S 9860, D 1022

Committee Meetings:

Committee on the Judiciary: Committee held hearings on **S. 2520**, to amend title 18, United States Code, with respect to the sexual exploitation of children, **S. 2511/H.R. 4623**, to prevent trafficking in child pornography and obscenity, to proscribe pandering and solicitation relating to visual depictions of minors engaging in sexually explicit conduct, and to prevent the use of child pornography and obscenity to facilitate crimes against children, **and related provisions of the Supreme Court's "Free Speech" decision which struck down portions of the 1996 Child Pornography Protection Act for violating the First Amendment.** Hearings recessed subject to call.

Page D 1022

Remarks:

Homeland Security and Terrorism Insurance.

Gramm

Page S 9807

Terrorism Insurance.

"...This is a very venomous environment. Legislation is the art of compromise. I personally do not think this legislation dealing with terrorism insurance should have anything to do with tort reform, but they have forced the issue. The compromise has some tort reform in it. Legislation is a compromise. The White House has been unwilling to compromise, unwilling to meet. They are now putting pressure on lobbyists to fund full-page ads, pro-Bush ads in the Post and more pressure on congressional Republicans to do anything they can to stop this legislation. [] Six months ago, the President in 30 seconds could have had the legislation on his desk, but this has been a big stall to make the trial lawyers look like the enemy of the American people, and that simply is wrong."

Reid

Pages S 9809-10

Tribute to Strom Thurmond.

"...When we hold hearings for Federal judges--and we have held a number this year--I am always careful to carry on a tradition that Senator Thurmond started. Senator Thurmond always reminded nominees for high office that it is essential to treat others with courtesy and respect. He always reminded nominees that the people and lawyers who appeared before them, whatever their position in the case, whether rich or poor, white or black, man or woman, whatever their religious or political affiliation, they are each and every one deserving of respect and fairness. Senator Thurmond was right to remind judges--and even Senators--of that simple rule..."

Leahy

Pages S 9810-11

Remarks (Cont.):

Appropriations Bills: At an Impasse.

Byrd

Pages S 9819-20

The Senate's Unfinished Business.

Nickles

Pages S 9835-37

HOUSE

Bills Introduced:

H.R. 5524. A bill to develop and deploy technologies to defeat Internet jamming and censorship; to the Committee on International Relations.

Cox

Page H 6982

H.R. 5525. *A bill to amend title 11 of the United States Code to prevent corporate bankruptcy abuse and provide greater protection for employees, and for other purposes; to the Committee on the Judiciary.*

Gekas

Page H 6982

H.R. 5526. A bill to *amend the Lobbying Disclosure Act of 1995* to require certain coalitions and associations to disclose their lobbying activities; to the Committee on the Judiciary.

Doggett

Page H 6982

H.R. 5527. A bill to amend the Internal Revenue Code of 1986 to require disclosure of lobbying activities by certain organizations; to the Committee on Ways and Means.

Doggett

Page H 6982

H.R. 5529. A bill to *amend title I of the Employee Retirement Income Security Act of 1974* to provide for joint trusteeship of single-employer pension plans; to the Committee on Education and the Workforce.

Visclosky

Page H 6982

H.R. 5536. A bill to amend the Bank Protection Act of 1968 and the Federal Credit Union Act to require enhanced security measures at depository institutions and automated teller machines sufficient *to provide surveillance pictures which can be used effectively as evidence in criminal prosecutions, to amend title 28, United States Code, to require the Federal Bureau of Investigation to make technical recommendations with regard to such security measures*, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Nadler

Page H 6982

H. Res. 569. A resolution expressing support for the President's 2002 National Drug Control Strategy to reduce illegal drug use in the United States; to the Committee on Government Reform, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Souder

Page H 6983

Reports Filed:

Report was filed today as follows:

H.R. 5521, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2003 (House Report 107-716);

H. Res. 568, *providing for consideration of H.J. Res. 112, making further continuing appropriations for the fiscal year 2003 (House Report 107-718).*

Pages H 6981-2, D 1023

H. Res. 559. Vacancies in the House of Representatives in the Event of a Catastrophe:

The House agreed to H. Res. 559, expressing the sense of the House of Representatives that each State should examine its existing statutes, practices, and procedures governing special elections so that, in the event of a catastrophe, vacancies in the House of Representatives may be filled in a timely fashion by a yeas-and-nays vote of 414 yeas with none voting “nay,” Roll No. 431. The resolution was considered pursuant to the order of the House of Sept. 26.

Pages H 6941-8, H 6952-3, D 1023

Motion to Instruct Conferees—H.R. 3295. Help America Vote Act:

Agreed to the Meek of Florida motion to instruct conferees on **H.R. 3295**, Help America Vote Act, to take actions as may be appropriate to convene a public meeting of the managers on the part of the House and Senate and to ensure that a conference report is filed prior to October 4, 2002 by a yeas-and-nays vote of 400 yeas to 14 nays, Roll No. 432.

Pages H 6948-51, H 6953, D 1023

Privileges Of The House—Integrity Of Proceedings As Prescribed By The Constitution.

Pages H 6955-7

“... While the Judicial Branch tries to step into the breach, the courts have repeatedly curtailed the 30-month exclusivity by ruling that a drug company's patent does not claim a drug, the courts cannot prevent drug companies from repeating this process over and over again, filing new patents with FDA, triggering 30 months of exclusivity, then enjoying that exclusivity until the courts rule against them...”
(Brown, page H 6956)

Privileges Of The House—Making Chapter 12 Family Farming Bankruptcy Protections Permanent.

Pages H 6958-9

“... Mr. Speaker, in 1997, the National Bankruptcy Review Commission recommended that chapter 12 be made permanent. Six times since that recommendation was made, Congress has ignored the advice of the National Bankruptcy Commission and has extended chapter 12 on a temporary basis rather than a permanent basis. I will admit that a permanent extension of chapter 12 has been included in the larger bankruptcy reform bill, but that bill is saddled with great controversy; and despite our efforts to pass it several times in the past 5 years, we still have not had success...” (Sensenbrenner, page H 6958)

Amendments Offered To S. 2690, A bill to reaffirm the reference to one Nation under God in the Pledge of Allegiance—(Supreme Court mentioned; First Amendment Rights in regard to religious freedom mentioned).

Page H 6984

Committee Meetings:

Committee on the Judiciary: Ordered reported, as amended, the following bills: **H.R. 5422**, Child Abduction Prevention Act; and **H.R. 2037**, Protection of Lawful Commerce in Arms Acts.

Committee on Rules: Testimony was heard from Chairman Sensenbrenner and Representative Nadler, but action was deferred on **S. 2690**, to reaffirm the reference to one Nation under God in the Pledge of Allegiance.

Page D 1024

Committee on Rules: *Committee granted, by voice vote, a closed rule providing 1 hour of debate on H.J. Res. 112, making further continuing appropriations for the fiscal year 2003, in the House equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the joint resolution. Finally, the rule provides one motion to recommit.*

Page D 1025

Remarks:

Conference Report On **H.R. 2215**, 21st Century Department Of Justice Appropriations Authorization Act.
Schakowsky

Page E 1724

Continuing Appropriations, Fiscal Year 2003.
Schakowsky

Page E 1726

NEW PUBLIC LAW

H.R. 4687, to provide for the establishment of investigative teams to assess building performance and emergency response and evacuation procedures in the wake of any building failure that has resulted in substantial loss of life or that posed significant potential of substantial loss of life. Signed on October 1, 2002.

(Public Law 107- 231)

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Next SENATE MEETING: Thursday, 10:00 a.m., October 3, 2002.

Next HOUSE MEETING: Thursday, 10:00 a.m., October 3, 2002.

OLA: S. Schwarz, A. Santos